Harold Weisberg
Pg 1
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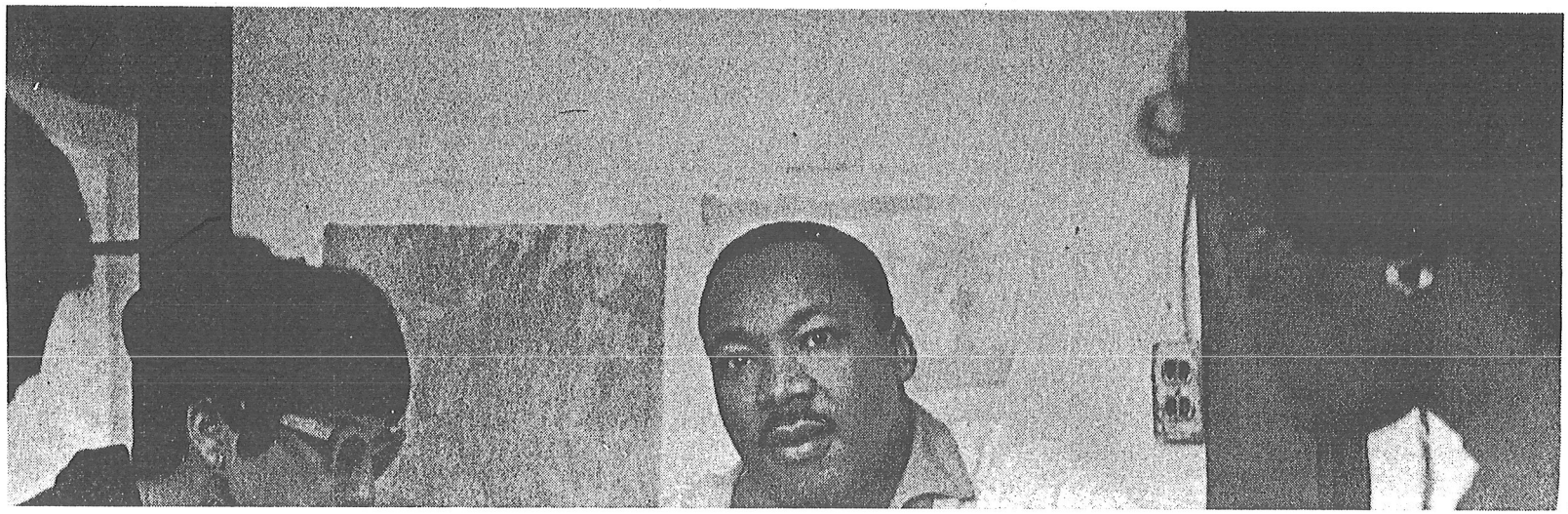
WAS JAMES EARL RAY FRAMED BY POLICE?

BY MARK LANE



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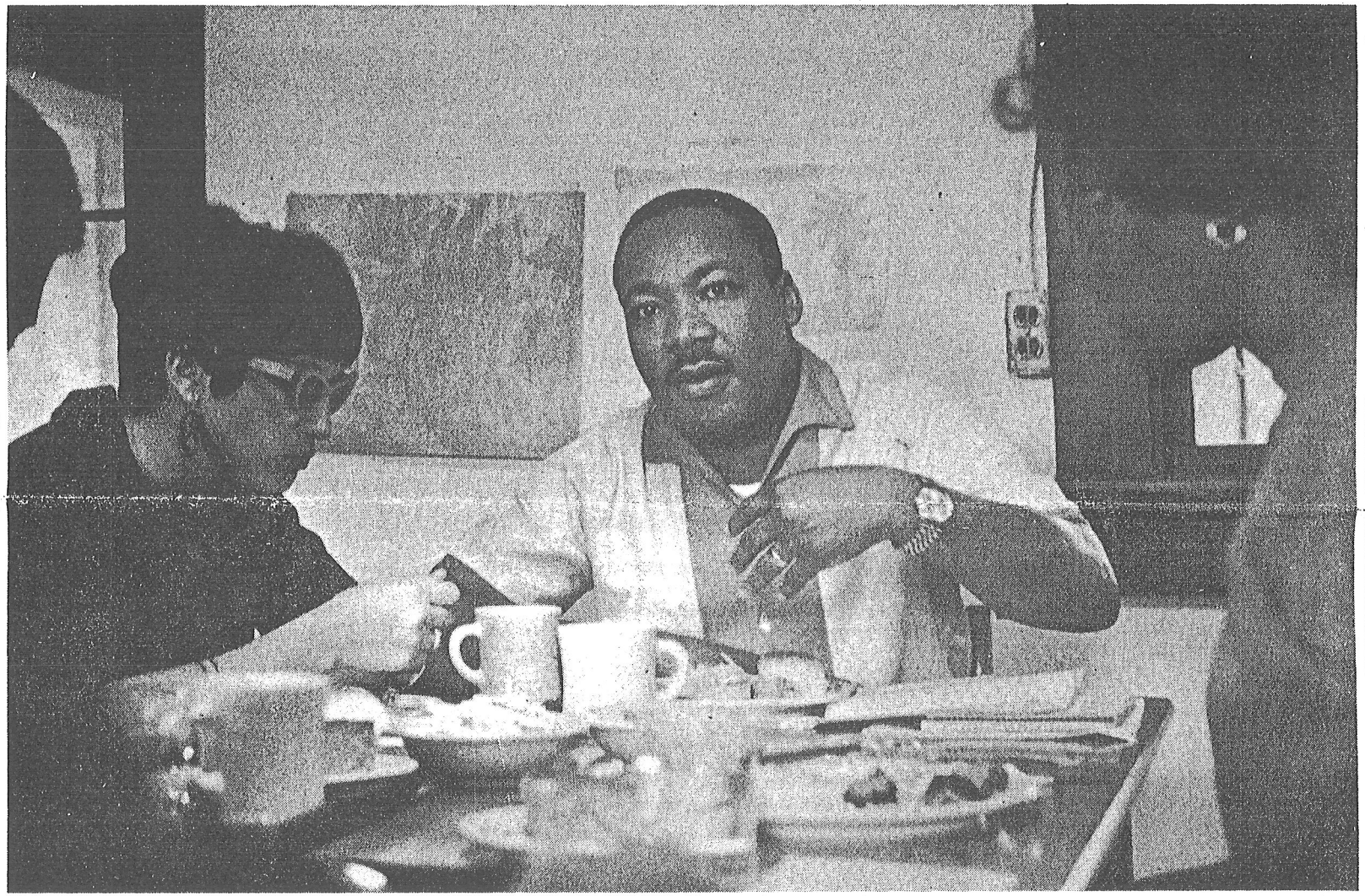
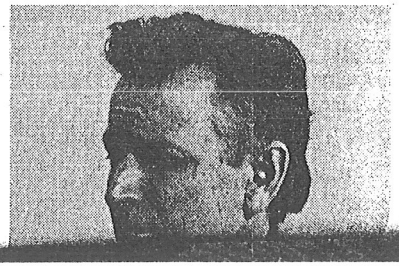
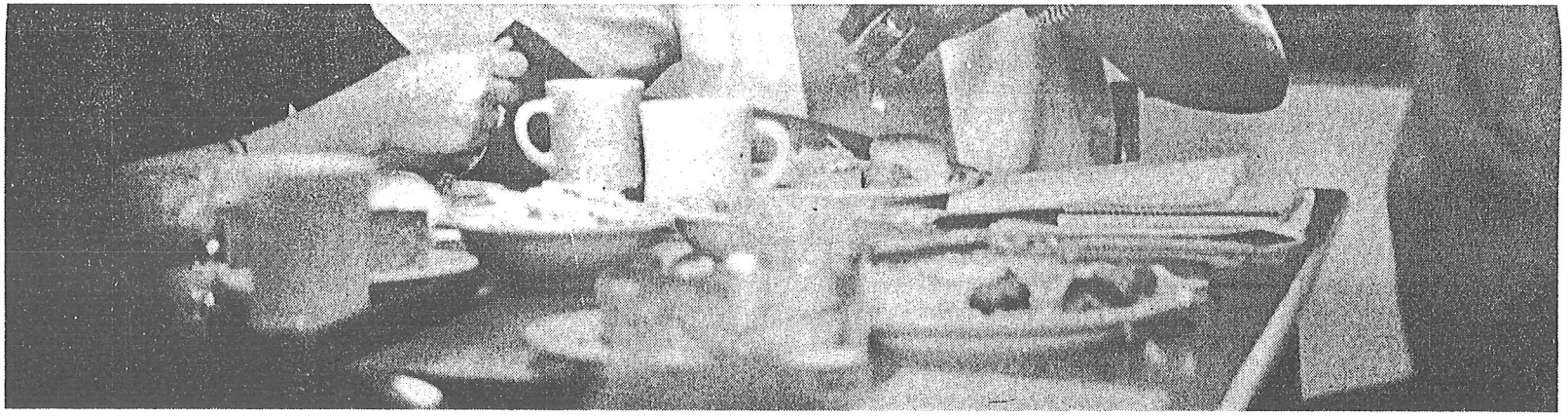


PHOTO BY
BOB FITCH

On Aug. 14, the House Select Committee on Assassinations will begin public hearings in Washington on the murder of Dr. Martin Luther King. These hearings are the culmination of over a year and a half of interviews, subpoenas, closed hearings, ballistics and medical analyses related to the circumstances surrounding the deaths of both King and John F. Kennedy.

Just before the Poor People's March King was killed





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One of the first witnesses scheduled to appear before the committee is James Earl Ray, the man convicted of assassinating King, now serving a 99-year prison sentence at Brushy Mountain State Prison in Tennessee.

Recently, Russell Byers, a former auto parts dealer from St. Louis, has emerged as a key figure in the investigation. Byers reportedly told the committee over three months ago that he was offered $50,000 to arrange the death of King in late 1967 or early 1968. The two Imperial, Mo., men named by Byers as the bearers of the offer are both dead. The source of the offer, reputed to be a businessmen's group, remains a matter of speculation.

Although Byers' testimony has not been corroborated by any physical evidence, the House committee is pursuing a series of circumstantial links between

Just before the Poor People's March King was killed. A decade later the case is still unsolved.

him, the men who are said to have made the offer, and people inside the Missouri State Penitentiary where James Earl Ray was incarcerated at the time.

"An administrative error" was the phrase used by an FBI spokesperson in explaining why five years ago, when Byers' account of the offer originally reached FBI officials in the St. Louis field office, no further investigation was initiated. The bureau refuses to identify the agent, who has since retired.

Apparently the report on the allegations was made and then filed, contrary to a regulation that requires any information on a specific crime to be forwarded to the agents working on that case. The bureau maintained it was "an honest error" and stated that the incident was not in any way an attempt to block a full investigation.

Mark Lane, attorney for James Earl Ray and author of RUSH TO JUDGMENT,

Continued on next page.

a book critical of the Warren Commission's examination of the JFK assassination, raises the question of FBI involvement in the events leading to the King murder and the subsequent investigation.

In the following report, the successful efforts of the bureau to force King to relocate in the black-owned Lorraine Motel, the scene of the shooting, are detailed. The extraordinary conditions involved in Ray's confession are discussed.

And, although she is not mentioned in current media coverage of the investigation, there is another key figure in the case—Grace Walden. Walden, released in May of this year, has spent the last ten years in involuntary confinement at the Western State Hospital in Bolivar, Tenn. Committed by the Homicide Squad of the Memphis Police Department shortly after the shooting, she may possibly be the only eye-witness to the escape of King's assassin.

Part One
The Burgeoning Coalition: Prologue to Murder

During the Spring of 1968, Dr. Martin Luther King Jr. was engaged in perhaps the most important organizing work of his life. During the 1950s he imaginatively and persistently confronted racism in the southern states. A decade later he marched against the entrenched urban racism and systems of segregation in large northern cities. In 1967 he spoke out eloquently and forcefully against American participation in the war in Vietnam. He compared the tactics employed by the American military against the civilian population in Southeast Asia with those utilized by the Nazis a quarter of a century earlier.

Despite the illegal actions of American intelligence organizations, which were alarmed by the intelligence organizations to this new peril, warned: "The U.S. may face a civil crisis this April when the Poor People's Army pitches camp in the Nation's Capital." Emergency meetings at the White House brought together functionaries within the Department of Justice, the Pentagon and the local police forces to coordinate strategy. Alarmists in the government viewed the campaign as a precursor to revolution. Their assessments made in a climate of panic and hysteria, were clearly exaggerated, yet they knew the coalition possessed the potential to bring about change.

On April 4, 1968, just before the Poor People's March was scheduled to reach Washington, Martin Luther King was assassinated in Memphis, Tenn. Despite the efforts of many women and men of good will, the coalition he headed began to deteriorate. It soon ceased to exist.

Part Two
Memphis

During the early days of 1968, the sanitation workers in Memphis, most of them black, went on strike. Their effort was characterized by the slogan "I am a man." Wages, working conditions and racism were issues in the strike. Yet, the heart of their demands was the recognition of the dignity of their labor. This core issue quickly gained the support of the Rev. James M. Lawson, the minister at the Centenary United Methodist Church in Memphis. Lawson had worked closely with King for more than a decade, was the spiritual founder of the Student Non-Violent Coordinating Committee (SNCC) and a teacher of nonviolence within King's Southern Christian Leadership Conference (SCLC).

As the Chairman of the Strategy Committee for the sanitation strike, Rev. Lawson urged Dr. King to lead a mass King for him to deliver on the floor of King from carrying out the Poor People's Campaign in Washington. In his speech he referred to King as a "self-serving rabble-rouser" and said that King, if not enjoined by Congress, would create "violence, destruction, looting and bloodshed" in Washington. He added, "King intends to create a black hole of despair with people packed together with pigs and chickens in a 'shanty town' lacking sanitation. Surely he must know that to change hearts it is not necessary to turn stomachs. It can be assumed that, however, if yesterday's flight by King from the disorder he had helped to generate was any indication of what he might do here, the 'Messiah' himself will not share the squalor he plans and that instead he will be conducting a lay-in at a posh Washington hotel to dramatize some imaginary discrimination here."

Several years later, the Church Committee of the U.S. Senate revealed that Cartha De Loach, then a top FBI official, reported to Clyde Tolson, who served just under J. Edgar Hoover in the FBI, that Byrd wanted to prevent Dr. King from coming to Washington and said that Byrd had said it was time that "King met his Waterloo." The memo reveals that Byrd asked the FBI to prepare a scurrilous attack upon Dr.

Grace Walden was taken by Memphis police to be kept in the hospital until after Ray's trial.

ticing lawyer in Memphis. He believes that he arrived in the rooming house at approximately 6:30 that evening where he met Grace Walden and Charles Q. Stephens, both of whom lived in the two-room apartment next to the community bathroom from which the shot had been fired.

"Grace Walden described the man she had seen flee from the bathroom. He was short and had salt-and-pepper hair. A man in his late 50s. She appeared to me to be sober and alert but in a somewhat weakened condition. I believe she said she had recently been released from the hospital for some physical ailment. Charlie Stephens, on the other hand, was wildly drunk. Bessie Brewer, who ran the rooming house, told me to pay no attention to Charlie since he was drunk and didn't know what he was talking about. I distinctly recall that Charlie Stephens said to me, 'It was a nigger what done it.'"

The police arrived on the scene and took Walden and Stephens to headquarters where they were questioned. Walden stated that the man she saw flee from the bathroom held something in his right hand and that he was approximately 5 feet 5 inches tall, very thin, had a dark complexion, and was in his late 50s or early 60s. She said that he wore a hunting jacket of neutral color that was open near the neck and that she could see a bright plaid or checkered shirt under the jacket. According to Thomas Smith, the Chief Investigator for the Memphis Police of the King assassination, Charles Stephens "was in a drunken condition and unable to tell us anything at that time." Smith is now a Memphis police captain in charge of homicide. Earlier this year he told a reporter for BBC-television that he had seen Stephens minutes after the assassination and that Stephens was drunk at that time and unable to provide information.

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Despite the illegal actions of American intelligence organizations, which were relatively effective in creating divisions in the leadership of the movements for justice and peace, Dr. King had helped to forge a new American coalition. He had learned a great deal about the power structure while serving time in the Birmingham jail, while being assaulted in the streets of Chicago, and while leading blacks and young whites in demands for an end to the war in Vietnam. During the Spring of 1968 he planned at last to confront the American economic struture. He had issued a call to poor people to meet in Washington, D.C., during April and to remain there until they forced the government to make changes in the economic system. In his prophetic ministry he envisioned a rainbow of Americans, poor white and black, yellow, red and brown, camped in front of the House and Senate and other government buildings for as long as it took to demonstrate the need for fundamental changes in the social system.

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As the Chairman of the Strategy Committee for the sanitation strike, Rev. Lawson urged Dr. King to lead a massive non-violent march in Memphis on March 28. Some of those around King urged him to forego the Memphis trip and to concentrate his attention on the planned national campaign in Washington. King reminded them of the Biblical injunction to provide help for "the least of these." The central issue around which the strike centered proved irresistible to King; but despite him, the march through Memphis was converted into a violent conflict with the local police. Rev. Lawson remembers it well.

"There was a militant black youth organization called the Invaders. They were distinguished by their rhetoric and their black leather jackets. When store windows were smashed and the confrontation began, many people thought that the Invaders had initiated the violence. But I knew who the Invaders were and while those who were smashing windows were young and clad in black leather jackets, I had never seen them in Memphis before. They were not members of the Invaders," Lawson said.

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King for him to deliver on the floor of the Senate. The word "Messiah" was regularly used to describe Dr. King in FBI memos.

A high-level FBI memorandum suggested that the Bureau destroy King, remove him from leadership and replace him with a "Black Messiah" created by the FBI. The comment about a "lay-in" at a Washington hotel referred to the FBI's sexpionage campaign against King. And the phrase "posh Washington hotel" may have been calculated by the FBI to drive King out of the Holiday Inn Rivermont, the most modern hotel in Memphis at the time, and into the more modest Lorraine Motel that provided no security.

The FBI, not known for its subtlety, found a more direct way to encourage King to abandon the security of the Holiday Inn Rivermont and register instead at the Lorraine Motel. Hoover ordered Robert Jensen, Special Agent in Charge of the Memphis Division of the FBI, to prepare a press release which was "not to be attributed" to the FBI. It pointed out that King was urging

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Approximately two months later, James Earl Ray was arrested in London. At that time, FBI agents asked Grace Walden to sign an affidavit so that Ray could be extradited. When she saw Ray's picture she said, "They got the wrong man. This man doesn't look anything at all like the man I saw come out of the bathroom." At the time Ray was 39 years old. Ray is 5 feet 11 inches. Ray has a light complexion. Walden refused to sign the affidavit. She was threatened and frightened by the agents but refused to identify Ray as the man she had seen. "The fact is, it doesn't look a thing like him," she said. Shortly after she arrived home, Walden was arrested by two officers of the Memphis Homicide Squad and taken to the mental ward of the John Gaston Hospital, the city hospital in Memphis. She was held there for several weeks and then committed to the Western State Hospital in Bolivar, Tenn. The charge made against her was that she was hallucinating, that "the patient thinks she was a witness to the murder of Dr. Martin Luther King." She was held in seclusion in that institution as the defense team sought to prepare the case for James Earl Ray. The notation in the hospital record stated that she should

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The President and his advisors feared that confrontation. Leaders of the Senate and of the House felt obliged to indulge in orgies of racist rhetoric. The fine hand of American intelligence agencies drafted speeches to be read on the floor of the Senate by dutiful members of what, with pride, they referred to as the most exclusive club in the world. J. Edgar Hoover's pathological obsession with Dr. King, who had taught a new morality to a country that had condoned native American genocide and black slavery, was prepared to move to the next stage of struggle. His legions were no longer to be confined to long-suffering blacks in the southern states and the sprinkling of support from northern liberals more inclined to help finance Dr. King's southern struggles than to confront racism in their own communities.

The new coalition included the poor of every color and of every ethnic group, together with the tens of thousands of young people who opposed the war in Vietnam on every college campus in America and in every city and town as well, seriously discomfitted the established leadership.

Publications like *Reader's Digest*, planned [illegible] campaign in Washington. King reminded them of the Biblical injunction to provide help for "the least of these." The central issue around which the strike centered proved irresistible to King; but despite him, the march through Memphis was converted into a violent conflict with the local police. Rev. Lawson remembers it well.

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"I was at the head of the march when the violence broke out. Windows were being shattered around us and behind us and the police took no action. I told Martin that he should leave the line of march. He refused. I told him it was no longer our march, that it had been taken over by others and that we would have to come back and finish it another day. I called several ministers and together we urged and almost coerced Martin into entering a car. We agreed that he should go to the Holiday Inn Rivermont outside of the downtown area because it provided excellent security. I remained on at the head of the march and tried to prevent further violence. As I look back now, I wonder if the plan was to kill Martin in the block that loomed ahead of us because it was there that the confrontation with the police really began. If Martin had been killed in that melee, no one would ever have known who did it and no doubt a good part of the blame would have been placed upon the 'black militants' who had initiated the violence."

The following day, Sen. Robert Byrd called upon the Congress to enjoin Dr. [illegible] suggested that the Bureau destroy King, remove him from leadership and replace him with a "Black Messiah" created by the FBI. The comment about a "lay-in" at a Washington hotel referred to the FBI's sexpionage campaign against King. And the phrase "posh Washington hotel" may have been calculated by the FBI to drive King out of the Holiday Inn Rivermont, the most modern hotel in Memphis at the time, and into the more modest Lorraine Motel that provided no security.

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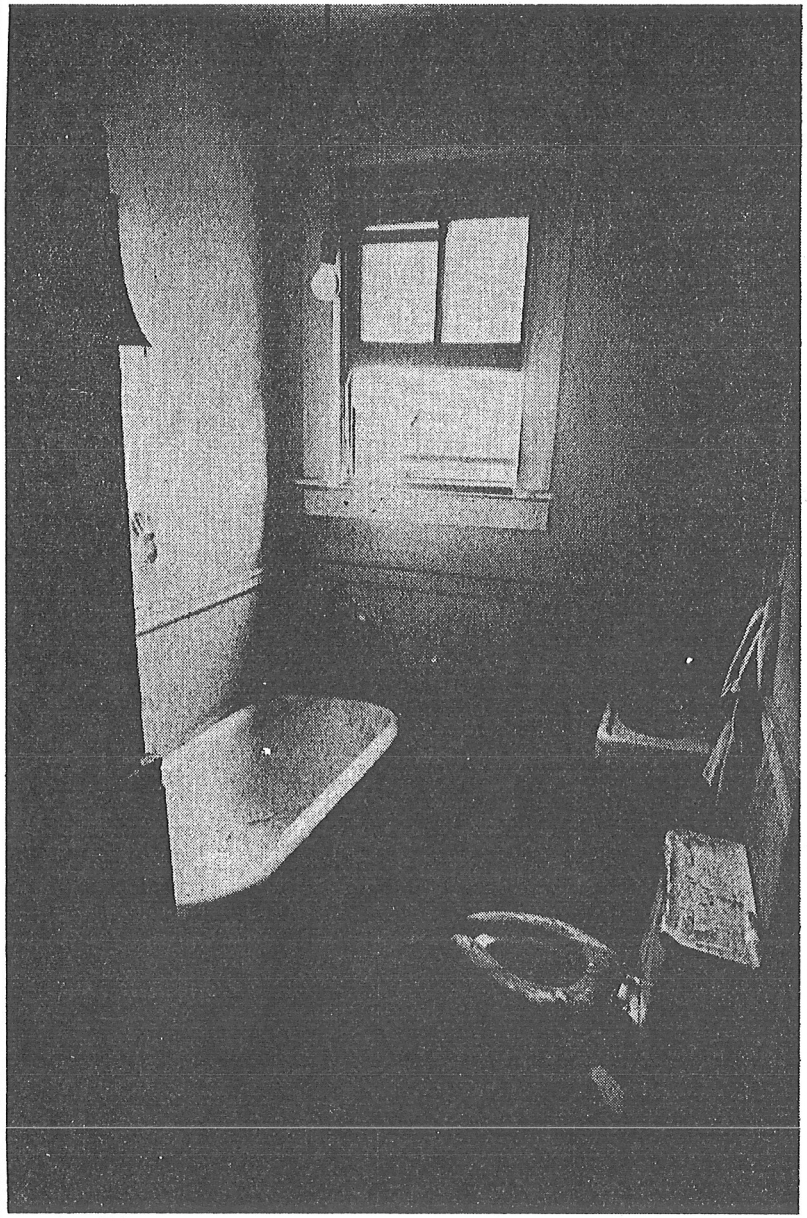
Part Three
The Rooming House

The shot that killed King was fired at 6:01 p.m. Within minutes, the local police and the FBI had determined that it had been fired from a community bathroom on the second floor of a rooming house at 418½ South Main St. One of the first reporters to arrive at the scene was Wayne Chastain, then a reporter for the Memphis *Press-Scimitar*, now a prac- [illegible] years old. Ray is 5 feet 11 inches. Ray has a light complexion. Walden refused to sign the affidavit. She was threatened and frightened by the agents but refused to identify Ray as the man she had seen. "The fact is, it doesn't look a thing like him," she said. Shortly after she arrived home, Walden was arrested by two officers of the Memphis Homicide Squad and taken to the mental ward of the John Gaston Hospital, the city hospital in Memphis. She was held there for several weeks and then committed to the Western State Hospital in Bolivar, Tenn. The charge made against her was that she was hallucinating, that "the patient thinks she was a witness to the murder of Dr. Martin Luther King." She was held in seclusion in that institution as the defense team sought to prepare the case for James Earl Ray. The notation in the hospital record stated that she should be "kept in the hospital until the Ray murder trial is over." The hospital record also revealed that she was not to be released until the Homicide Squad of the Memphis Police Department said so. Ten years later she was still at the mental institution at Bolivar, Tenn.

With Grace Walden out of the way, Memphis police arranged for Charlie Stephens, who had been arrested more than 200 times for being publicly drunk, to get all the liquor he wished and that the Police Department would pay for it. In that condition and after he had been promised a $100,000 reward, Charles Q. Stephens signed an affidavit identifying James Earl Ray as the man he saw flee from the bathroom after the shot was fired. The federal authorities who prepared that affidavit and submitted it to a court in London in order to secure Ray's presence in Memphis, knew that the affidavit was false. Yet, with the exception of James Earl Ray's own coerced confession, the only evidence that ties Ray to the murder is the perjured affidavit.



Photos/Norris McNamara

gan to lose weight. His body broke out into a rash. His nose began to bleed.

King was speaking when he was killed, eloquently supported the demand. Later that day, Rev. Lawson and others led 5,000 people in a solemn march past the Lorraine Motel and into the Orpheum Theatre.

"I did not believe it then and I do not believe now that James Earl Ray pulled the trigger," he said. Later Lawson said, "There can be no question now as to where blacks in Memphis stand on the question of a trial for James Earl Ray."

Shock waves from the tenth anniversary celebration were immediately felt in the state capital. Black and white ministers and priests, supported by trade union leaders and masses of workers, demanded freedom for Grace Walden and a trial for James Earl Ray. A pro-FBI police reporter for a local television station in Memphis was summoned to Bolivar, Tenn., where in violation of federal law and state statute, he was permitted to conduct a filmed interview with Grace Walden. The highly edited version was shown that evening on the Memphis CBS affiliate was designed to demonstrate that Grace Walden was mentally incompetent. Before the interview the hour and after brushing past the guards, asked Grace if she would like to accompany me to dinner. I assured the proprieters of the institution that the Probate Court Judge had said that I could have dinner with her. Grace put on her coat, told the proprietor that "I'll be back in an hour or two," then looked at me and winked. We drove to the Memphis airport.

When we arrived in Los Angeles later that evening, more than half a dozen ministers and priests and 100 other supporters were at the airport. Two FBI agents monitored our arrival. Almost immediately the lawyer who had been appointed Walden's guardian filed a petition in the Memphis Probate Court citing me for contempt of court for having left the jurisdiction with Grace.

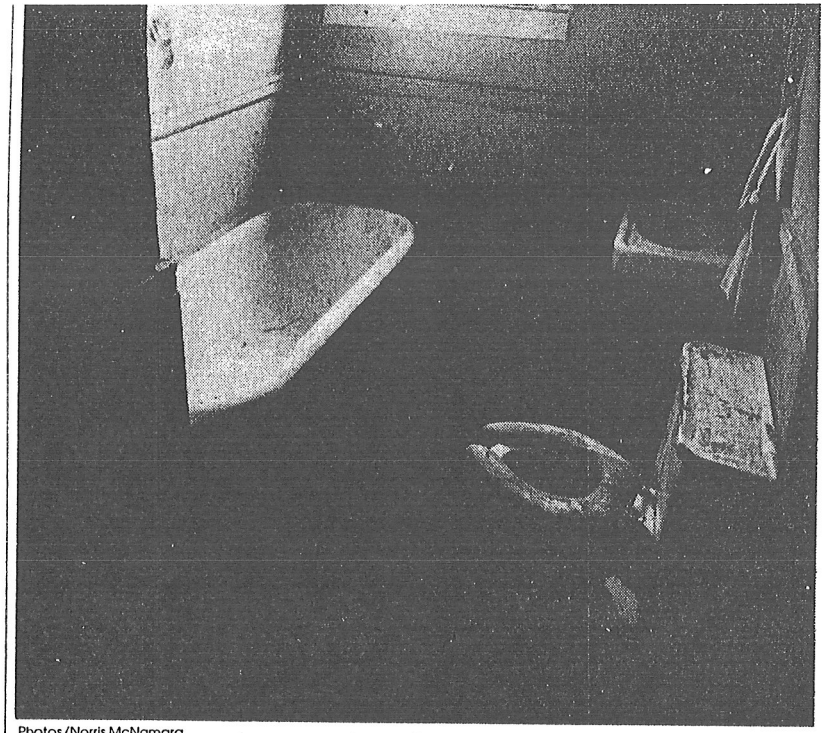
I returned to Memphis to answer the citation and following a six-hour hearing, in which I was strongly supported by the Memphis clergy, the court dismissed the contempt citation and appointed me as Walden's guardian. I agreed to undertake that assignment with the understanding that my first act would be to secure all of her hospital records, which had been previously unavailable to us and to her, and that I would then move to dismiss myself as her guardian since she was competent.

The Rev. James M. Lawson and others are demanding a new trial for James Earl Ray.

Part Seven

The Burgeoning Coalition: Prologue to Change

Following the escape of Grace Walden, a new organization, the Committee for Truth and Justice Regarding the Assassination of Dr. Martin Luther King, emerged under the leadership of Rev.



Photos/Norris McNamara

Part Four
The Confession

Even as the Department of Justice was forwarding the perjured Stephens affidavit to the authorities in London, the Federal Bureau of Prisons and the FBI were preparing a torture chamber for James Earl Ray in the Shelby County jail in Memphis. Although they had no authority to act in the case of *The People of Tennessee against James Earl Ray*, the FBI took it over from the Memphis Police on April 4, 1968. By the time Ray was in custody in London, federal authorities were reconstructing a Memphis jail cell for him. Heavy steel plates were installed on all the windows previously secured by bars. Fresh air and natural light were excluded from the cell. Bright lights and two closed-circuit television cameras were installed. Microphones were placed in the cell to pick up and magnify every sound made by the prisoner, including his breathing. One prigan to lose weight. His body broke out into a rash. His nose began to bleed.

As the physical environment diminished Ray's ability to resist, the federal police waged a psychological war against him. He was informed that if he did not plead guilty, his brother Jerry would be indicted as a co-conspirator in the murder of Dr. King and probably executed. Ray responded that neither he nor his brother had killed King and that he was not afraid of a trial. Finally he was informed that the FBI had determined that Ray's father, then an elderly man, had violated parole in Iowa more than 40 years before. Ray was informed that if he did not agree to plead guilty, his father would be arrested, transported to Iowa and, in all probability, die in prison. Ray's resistance collapsed. He agreed to plead guilty.

But when Ray pleaded guilty in open court he asserted that there had been a conspiracy to kill King. The trial judge ordered him to remain silent.

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Two months after Ray had been confined under these conditions, his attorney, Arthur Hanes, filed a motion requesting an order directing the Shelby County Sheriff to "cease and desist from the use of television lights, cameras and microphones to constantly surveille the defendant." The motion stated that "the presence of said illumination and surveillance has deprived defendant of the opportunity to rest or sleep, has a tendency to cause defendant to be nervous and disturbed, and constitutes an electronic form of cruel and unusual punishment."

The Memphis District Attorney General, who prepared the case against Ray, said that the lights, microphones and cameras were required to protect the defendant Ray and to keep him from escaping. The Memphis judge found that "the security complained of is for the benefit of the defendant." For almost eight months James Earl Ray was confined to that torture chamber. Two guards remained in the cell with him at all times and two guards remained just beyond the bars watching him. Ray be-

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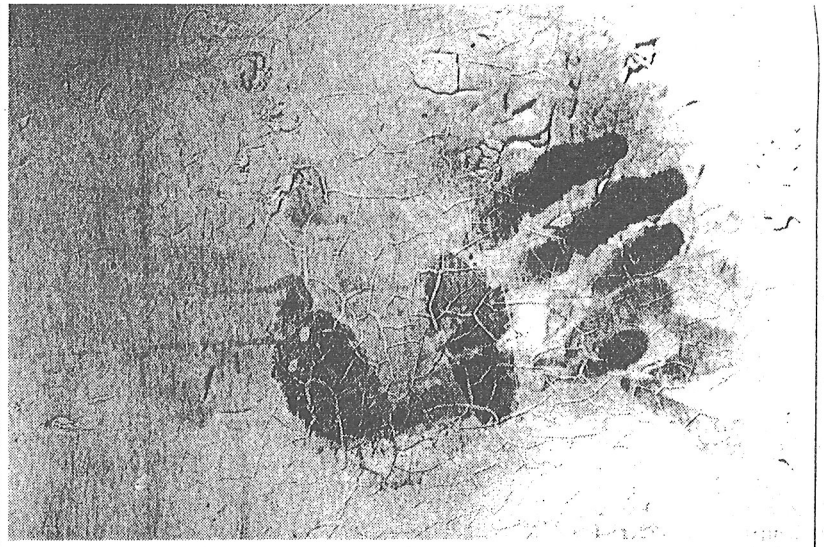
Part Five
The Tenth Anniversary

April 4, 1978, marked the tenth anniversary of King's assassination. Each year the American Federation of State, County and Municipal Employees (AFSCME), the parent union of the sanitation workers, has memorialized Dr. King. In preparation for the tenth anniversary, Rev. Lawson met with religious and trade union leaders in Memphis. On April 3, 1978, Lawson and I met with Roman Catholic priests and Protestant ministers, black and white, to discuss the assassination. I discussed with them the evidence regarding Grace Walden and James Earl Ray.

The following day at an unprecedented news conference, the religious leaders of Memphis, joined by black civil rights leaders from throughout the country, demanded the immediate release of Grace Walden and a trial for James Earl Ray. Rev. Samuel Kyles, at whose home King was to have had dinner just ten years before, read the statement. Jesse Jackson, with whom Dr.



The bathroom from which King was shot (above left) and a detail of hand print over tub (above).

Lawson. The Rev. Joseph Lowrey, president of the SCLC, the position King held at the time of his death, was chosen as one of the chairmen, along with Rev. Jesse Jackson and leaders of other civil rights organizations. Professor Linus Pauling, Dr. Benjamin Spock, trade union leaders and members of clergy throughout the country agreed to participate. In Los Angeles a group of 25 priests, rabbis and ministers immediately formed a support group. The Coalition of Black Trade Unionists led by William Lucey demanded a trial for James Earl Ray. Priests and ministers, trade unionists, civil rights organizations and white and black workers in Memphis made plans to march on the Democratic Mini-Convention, scheduled for Memphis in December, and demand a trial for James Earl Ray. ■

view began she was given psychiatric drugs. Yet, through the drugs and the manipulated interview came her simple and clear message. "Like I've said all these years, they've got the wrong man. James Earl Ray was not the man who came out of the bathroom ten years ago."

Surreptitiously, the state authorities placed Walden in a boarding house in Memphis, had a local Memphis lawyer appointed as her guardian and announced that she had been freed.

Part Six
Flight to Freedom

I flew to Memphis and while there I was able to inform Grace Walden of my local telephone number. She called me at once and asked me to help her escape. I told her I would be there within half an hour and asked her if she would like to return to California with me. She said, "That would be just grand." I arrived at the boarding house within